

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, September 7, 2011**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: August 25, 2011**

**RE: Closed Session of the Board to be held on August 10, 2011**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

---

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. MATEL MANUFACTURING, INC., 10-R6D2-3380 THROUGH 3385

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A SHARPER HOME, INC., 10-R6D5-3090
2. ABBA ROLLER LLC, 11-R3D3-1448 AND 1447
3. AMRO FABRICATION CORP., 10-R6D2-2431 THROUGH 2436
4. ART DUCT WORK AND SHEET METAL CO., INC. DBA ART SHEET METAL,

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 2**

- 10-R6D2-2684 THROUGH 2692
5. ATHLETIC POLYMER SYSTEMS, INC., 11-R3D3-1298 THROUGH 1300
  6. RICHARD BAGDASARIAN, INC., 11-R3D3-1057
  7. BELL BROS. STEEL, INC., 11-R6D2-0069 AND 0070
  8. BLITE, INC., 11-R6D5-1465 AND 1466
  9. BRENNTAG PACIFIC, INC., 11-R3D3-1573
  10. CARPENTER RIGGING GROUP, INC., 10-R2D2-0898 AND 0899
  11. CEDAR GROVE APARTMENTS, CALIFORNIA LTD PARTNERSHIP,  
10-R2D2-0962 and 10-R2D2-1126 AND 1127
  12. CENTRAL VALLEY MEAT CO., INC., 11-R2D5-0955
  13. CITY AND COUNTY OF SAN FRANCISCO, PUC, WASTE WATER  
ENTERPRISE, 10-R1D1-0890 AND 0891
  14. CLARION CONSTRUCTION, INC., 11-R3D3-1007 AND 1008
  15. COMMERCIAL LUMBER AND PALLET COMPANY, 10-R6D2-2346  
THROUGH 2357
  16. DEPENDABLE HIGHWAY EXPRESS, 10-R4D2-3986 THROUGH 3988
  17. FLOURESCO LIGHTING AND SIGNS MAINTENANCE CORPORATION,  
11-R3D2-0164 AND 0165
  18. GOLDEN STATE STUCCO, 09-R1D2-1628
  19. GREAT DANE BAKING COMPANY LLC DBA THE GREAT DANE BAKING  
COMPANY, 11-R6D5-0718 THROUGH 0720
  20. GRIMMWAY FARMS, 08-R2D5-5107
  21. GWF POWER SYSTEMS LP, 10-R2D2-0348
  22. BILLY V. HULL DBA BILLY HULL CONSTRUCTION CO., 11-R6D5-1178  
AND 1179
  23. INTRACUT, INC., 11-R4D1-0192

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 3**

24. IRON ENGINEERING, INC. DBA CUSTOM LIGHTS & IRON, 11-R6D2-0071 THROUGH 0078
25. J & R BOTTLING AND DISTRIBUTING, INC., 11-R3D6-1010 THROUGH 1012
26. JF SHEA CONSTRUCTION, INC. DBA REDDING AGGREGATE PRO, 10-R5D1-1308
27. JV INDUSTRIAL COMPANIES, 10-R6D4-3565 THROUGH 3568
28. KEITH MONROE AND COMPANY, 10-R3D2-3753 AND 3754
29. L. A. CITY PUBLIC WORKS – HYPERION, 10-R4D1-3153
30. LABOR READY, 11-R3D6-0963
31. LANGER JUICE COMPANY, INC., 11-R3D6-0108
32. FRANCISCO LIEVANOS DBA FRANK’S PALLETS, 11-R6D5-1250 THROUGH 1252
33. MAINSTAY BUSINESS SOLUTIONS, 09-R1D5-4105
34. MATTHEWS TRUCK BODY REPAIR, INC. DBA B & M TRUCKING, 10-R3D6-4073
35. NORTH COAST FISHERIES, INC. DBA TONY’S FINE FOODS, 10-R1D5-0653
36. OMEGA EXTRUDING CORP. OF CALIFORNIA, 11-R4D2-0064 THROUGH 0066
37. ORCHARD SUPPLY HARDWARE, 10-R1D2-0940
38. PACIFIC PLASTERING, 10-R6D5-3049 THROUGH 3051
39. PAKS CLOTHIERS, INC. DBA AQUA PURE DRINKING WATER, 10-R6D2-3944 AND 3945
40. PAN PACIFIC PETROLEUM, 11-R6D4-1176 AND 1177
41. PARRISH’S CAKE DECORATING SUPPLIES, INC., 10-R4D1-3405 THROUGH 3409
42. PERFORMANCE AUTO CARE, INC., 11-R6D5-1360
43. PERFORMANCE TEAM FREIGHT SYSTEMS, INC., 11-R3D3-1739

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 4**

44. PPL FARM LABOR, INC., 10-R2D5-2397
45. PRESS ENTERPRISE DBA SO. CAL. COMMERCIAL PRINTING, 11-R3D3-1611
46. PROPAK LOGISTICS, INC., 11-R3D3-1227
47. RICHARD DOAN CONSTRUCTION, 11-R3D2-1646
48. SA MEIER CO., INC. DBA COOLING TOWER SERVICE CO., 11-R3D2-1606  
AND 1607
49. SAN DIEGO BALL PARK LLC DBA OMNI SAN DIEGO HOTEL, 11-R3D2-0166
50. SIERRA MILL CABINETRY, 11-R3D1-1737 AND 1738
51. SNOWLINE JOINT UNIFIED SCHOOL DISTRICT, 11-R3D3-1301
52. STANFORD UNIVERSITY, 10-R1D3-3804
53. STEELTECH REINFORCING, INC., 10-R4D1-3465
54. SUNSCAPES LANDSCAPE CO., INC., 11-R6D5-1325 AND 1326
55. SUNRISE FARM LABOR, INC., 10-R6D7-2657
56. EUNICE & OLIVERIO TADEO DBA TADEO'S MEXICAN FOOD,  
11-R6D7-0512
57. TAYLORED SERVICES LLC, 11-R3D3-0886 and 11- R3D3-1038
58. THE WAY AUTO CARE, INC., 11-R6D7-0334 THROUGH 0336
59. TOP LINE ROOFING, INC., 11-R6D2-1072
60. TRI VALLEY AUTO DISMANTLER, 11-R6D7-0930 THROUGH 0932
61. TROPHY PROPERTIES, INC. DBA CAFÉ COYOTE, 11-R3D2-1605
62. VALLEY PALLET, INC., 11-R3D3-1006
63. VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY,  
11-R3D3-1609

**ORDER DENYING LATE APPEAL:**

1. GERARDO VILLALOBOS ET AL DBA LOS TORILES, 11-R6D7-9134

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 5**

**STIPULATIONS:**

1. CLIFFORD SEBRING DBA FULL SPECTRUM LIGHTING & ELECTRICAL SERVICES, 09-R2D1-1777 AND 1778

**PETITIONS FOR RECONSIDERATION:**

1. AERO-VAC ALLOYS AND FORGE, INC., 11-R3D1-9135
2. GUARDSMARK LLC, 10-R3D1-2675
3. HYDROSCIENCE OPERATIONS, INC., 10-R1D2-0389
4. NASIR JAMAL CHOUDRY DBA INFINITY GENERAL ENGINEERING & DESIGN, 11-R2D1-9112

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. SCULPT GARDENS, INC., 11-R1D3-9108
2. STRATEGIC OUTSOURCING, INC., 10-R2D5-0734 THROUGH 0739
3. STRATEGIC OUTSOURCING, INC., 10-R2D5-0905 THROUGH 0914
4. WAMC COMPANY, INC. DBA CONTINENTAL MANAGEMENT COMPANY, 10-R3D2-0211 THROUGH 0213

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 6**

8. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,  
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. SILVIA CASTRO, MIGUEL CASTRO DBA SILVIA CASTRO FLC,  
09-R2D4-1900
20. CITY OF FOSTER CITY, DEPT. OF PUBLIC WORKS, 09-R1D3-4195
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CLINE CELLARS, INC., 08-R1D5-2946
23. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
24. COMMERCIAL METAL FORMING, 09-R3D1-1592
25. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
26. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
27. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
28. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
29. DESIGN BUILDERS, INC., 08-R4D4-1901

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 7**

30. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
31. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
32. DUKE PACIFIC, INC., 08-R3D3-574
33. DUININCK BROS., INC., 06-R4D3-2871
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORTUNA IRON WORKS 06-R2D3-4222
38. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
39. HB PARKCO, 07-R4D2-1730 AND 1731
40. THE HERRICK CORP., 07-R3D1-495
41. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
42. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
43. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
44. JENSEN PRECAST, 05-R2D1-2377
45. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
46. KELSO'S AUTO DISMANTLING AND AUTO SALES, 10-R2D4-0165
47. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
48. L & S CONSTRUCTION, 10-R3D2-1822
49. LA MINA CANTINA, 09-R2D5-0039
50. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
51. LAST CHANCE, INC. DBA A STAR RECYCLING, 10-R4D3-3468 AND 3469
52. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 8**

53. LION RAISINS, INC., 08-R2D5-2253 AND 2254
54. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
55. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
56. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
57. MARINE TERMINALS, 08-08-R6D2-1920
58. MCM CONSTRUCTION, INC., 10-R4D3-2498 THROUGH 2500
59. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
60. MILLENIUM GENERATION, INC., 08-R4D3-5047
61. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
62. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
63. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
64. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
65. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
66. P. G. & E. CORPORATION dba PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
67. POUK & STEINLE, INC., 09-R3D3-0491
68. R & L BROSAMER, INC., 03-R1D5-4832
69. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
70. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
71. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
72. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
73. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
74. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
75. SMUD, 08-R2D1-4887 THROUGH 4889



**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 9**

76. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
77. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
08-R2D1-3414 THROUGH 3418
78. SONORA REGIONAL MEDICAL CENTER, 10-R2D4-0162
79. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
80. SUNOPTA FRUIT GROUP, 09-R3D1-9245
81. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
82. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
83. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
84. UNITED PARCEL SERVICE, 07-R3D3-3322
85. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
86. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710
87. WINDSOR CHICO CREEK CARE AND REHABILITATION CENTER LLC,  
10-R2D1-0263

**LEGISLATION**

*(Review and discuss current legislation which may affect the Appeals Board)*

1. SENATE BILL 829

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 10**

3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)  
(00-440)
5. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
6. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
7. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
8. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
9. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
10. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
11. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
12. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
13. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
14. SMUD, 34-2010-80000723 (08-R2D1-4887)
15. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
16. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**LEGAL UNIT PROCEDURES:**

1. PROCESSING STIPULATIONS

**PERSONNEL:**

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For September 7, 2011**  
**Page 11**

*(Issues regarding staff)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.